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REMARKS

Claims 1-16 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Anand, *et al.* (U.S. Patent No. 5,692,181) in view of Rosensteel, *et al.* (U.S. Patent No. 6,167,405). As will be shown below, neither Anand nor Rosensteel, either alone or in combination, teaches or suggests a method, system, or computer program product for deploying a predefined data warehouse process model as claimed in the present application. Claims 1-16 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-16.

Claim Rejections – 35 U.S.C. § 103

Claims 1-16 stand rejected under 35 U.S.C § 103(a) as unpatentable over Anand, *et al.* (U.S. Patent No. 5,692,181) in view of Rosensteel, *et al.* (U.S. Patent No. 6,167,405). Applicants respectfully traverse each rejection. To establish a prima facie case of obviousness, three basic criteria must be met. *Manual of Patent Examining Procedure* §2142. The first element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a suggestion or motivation to combine Anand and Rosensteel. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The second element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a reasonable expectation of success in the proposed combination of Anand and Rosensteel. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The third element of a prima facie case of obviousness under 35 U.S.C. § 103 is that the proposed combination of Anand and Rosensteel must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

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Anand and Rosensteel

Claims 1-16 stand rejected under 35 U.S.C § 103(a) as unpatentable over Anand (U.S. Patent No. 5,692,181) in view of Rosensteel, *et al.* (U.S. Patent No. 6,167,405). The proposed combination of Anand and Rosensteel cannot establish a *prima facie* case of obviousness because the proposed combination does not teach each and every element of claims 1-16, there is no suggestion or motivation to make the proposed combination, and there is no reasonable expectation of success in the proposed combination.

The combination Of Anand and RosensteelDoes Not Teach all Of Applicants' Claim Limitation

The combination of Anand and Rosensteel does not teach or suggest all of Applicants' claim limitations. Independent claim 1 claims:

A method of deploying a predefined data warehouse process model from a development system having a development environment to a customer system having a customer environment, the customer environment being different from the development environment, the method comprising the steps of:

exporting metadata from the predefined warehouse process model to an interchange metadata file, wherein the metadata comprises data elements describing a development environment, wherein the metadata comprises at least some data elements having values that are site dependent;

copying, from the interchange metadata file to an interchange resource file, site dependent data elements;

identifying site dependent data values of the customer system;

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converting, in the interchange metadata file, the site dependent data element values to the site dependent data values of the customer system; and

importing the interchange metadata file into the customer system.

The Combination of Anand And Rosensteel Does Not Teach Or
Suggest Deploying Predefined Data Warehouse Process
Models As Claimed In The Present Application

The Office Action states that Anand at column 5, lines 21-28, discloses "a method of deploying a predefined data warehouse process model ..." as claimed in the present application. Applicants respectfully note in response, however, that Anand at column 5, lines 21-28, in fact discloses a DAI (data abstraction intelligence) subsystem of a report writer - clearly having nothing whatsoever to do with deploying a predefined data warehouse process model according to the claims of the present application.

The Office Action states that Anand at column 9, lines 40-51, discloses "exporting metadata from the predefined warehouse process model ..." as claimed in the present application. Applicants respectfully note in response, however, that Anand at column 9, lines 40-51, in fact discloses a metadata API for a report writer - clearly having nothing whatsoever to do with exporting metadata from a predefined warehouse process model according to the claims of the present application.

The Office Action states that Anand at column 6, lines 30-33, discloses "copying, from the interchange metadata file to an interchange resource file, site dependent data elements," as claimed in the present application. Applicants respectfully note in response, however, that Anand at column 6, lines 30-33, in fact discloses operation of a log-in module of a report writer - clearly having nothing whatsoever to do with copying site dependent data elements according to the claims of the present application.

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The Office Action states that Anand at column 11, lines 48-54, discloses "identifying site dependent data values of the customer system," as claimed in the present application. Applicants respectfully note in response, however, that Anand at column 11, lines 48-54, in fact discloses request structures for communications among subsystems of a report writer -- clearly having nothing whatsoever to do with identifying site dependent data values of the customer system according to the claims of the present application.

The Office Action states that Anand at column 11, lines 35-39, discloses "converting ... site dependent data element values to the site dependent data values of the customer system," as claimed in the present application. Applicants respectfully note in response, however, that Anand at column 11, lines 35-39, in fact discloses operation of a metadata request module of a report writer -- clearly having nothing whatsoever to do with converting site dependent data element values to site dependent data values of the customer system according to the claims of the present application.

The Office Action states that Rosensteel at column 10, lines 50-53, discloses "importing the interchange metadata file into the customer system," as claimed in the present application. Applicants respectfully note in response, however, that Rosensteel at column 10, lines 50-53, in fact discloses importation of data models into a commodity database design tool interfaced to a warehouse designer client component -- clearly having nothing whatsoever to do with importing the interchange metadata file into the customer system according to the claims of the present application.

No Suggestion or Motivation to Modify Anand

To establish a *prima facie* case of obviousness, there must be a suggestion or motivation to modify Anand. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The suggestion or motivation to modify Anand must come from the teaching of Anand itself, and the Examiner must explicitly point to the teaching within Anand suggesting the proposed modification. Absent such a showing, the Examiner has

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impermissibly used "hindsight" occasioned by Applicants' own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 U.S.P.Q.2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.2d 488m 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.,2d 115, 117, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989).

The Office Action at pages 3-4 states its rationale for motivation to combine as:

It would have been obvious to ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited reference because importing of Rosensteel's teaching would have allowed Anand's system to access the databases and populating data in the data warehouses as suggested by Rosensteel at col. 1, lines 8-10. Importing as taught by Rosensteel improves to complete the information that will be needed by the warehouse data application manager (see col. 3, lines 23-24, Rosensteel).

In fact, Rosensteel at column 1, lines 8-10, merely describes in general terms the field of use of Rosensteel, suggesting nothing whatsoever about combining Rosensteel with Anand. Moreover, Rosensteel at column 3, lines 23-24, merely states:

To complete the information that will be needed by the warehouse data replication manager, a plurality of new objects is introduced into the repository schema ...

That is, Rosensteel at column 3, lines 23-24, merely continues a description of an exemplary embodiment of Rosensteel itself, making no hint of any suggestion or motivation to combined Rosensteel with Anand.

In addition, it is important to remember that the test is not whether Rosensteel suggests combining Rosensteel with Anand. The test is whether Anand suggests combining

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elements disclosed in Rosensteel. And there is not one word in Anand making even the tiniest hint of a suggestion of combining with the report writer of Anand "importing the interchange metadata file into the customer system" as claimed in the present application. Nor could there be. Anand discloses report writing technology having nothing whatsoever to do with deploying a predefined data warehouse process model from a development system to a customer system as claimed in the present application. Naturally Mr. Anand and his fellow inventors would not make any such suggestion – because the subject of deploying a predefined data warehouse process model was of no concern to them whatsoever.

The Examiner is obligated to point to teaching within Anand suggesting combining "importing the interchange metadata file into the customer system" with the report writer of Anand to produce deployment of a predefined data warehouse process model as claimed in the present application. It is not possible to find such a teaching in Anand because Anand is concerned with report writers, not with deploying a predefined data warehouse process model according to the claims of the present application. Absent such a showing, the Examiner has impermissibly used hindsight occasioned by Applicants' own teaching to reject the claims. The Examiner has not pointed to any disclosure in Anand suggesting the proposed combination with Rosensteel. As such, the proposed modification of Anand cannot establish a *prima facie* case of obviousness.

Anand Teaches Away From Deploying A
Predefined Data Warehouse Process Model

Anand actually teaches away from deploying a predefined data warehouse process model as claimed in the present application. Teaching away from the claims is a *per se* demonstration of lack of *prima facie* obviousness. *In re Dow Chemical Co.*, 837 F.2d 469, 5 U.S.P.Q.2d 1529 (Fed. Cir. 1988); *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); *In re Neilson*, 816 F.2d 1567, 2 U.S.P.Q.2d 1525 (Fed. Cir. 1987). The present application claims the use of metadata for deploying a predefined warehouse process model. Anand teaches the use of metadata for development of data warehouse

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reports – thereby teaching directly away from the use of metadata for deploying a predefined warehouse process model as claimed in the present application. Because Anand teaches away from the use of metadata for deploying a predefined warehouse process model as claimed in the present application, the proposed modification of Anand by Rosensteel cannot support a *prima facie* case of obviousness.

No Reasonable Expectation of Success in the
Proposed Combination of Anand and Rosensteel

To establish a *prima facie* case of obviousness, there must be a reasonable expectation of success in the proposed modification of Anand. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). There can be no reasonable expectation of success in a proposed modification if the proposed modification changes the principle of operation of Anand. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). There can be no reasonable expectation of success in a proposed combination of a report writer of Anand with the commodity database design tool of Rosensteel to produce deployment of predefined data warehouse process model as claimed in the present application. On the contrary, building a system for deployment of predefined warehouse process models upon the report writer of Anand would clearly change the principle of operation of Anand – changing it from a report writer to a deployer of predefined data warehouse process models. The proposed modification of Anand by Rosensteel therefore cannot possibly support a *prima facie* case of obviousness.

Anand Cannot be a Reference Against the Claims of the Present
Application Because Anand Represents Nonanalogous Art

Anand cannot be a reference against the claims of the present application because Anand represents nonanalogous art within the meaning of *In Re Horn, Clay, and Oeticker*. *In re Horn*, 203 USPQ 969 (CCPA 1979), *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992), *In re Oeticker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The field of the inventors' effort in this case is deploying a predefined data warehouse process model.

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The present application claims, among other things, exporting metadata from a predefined warehouse process model to an interchange metadata file, where the metadata describes a development environment and includes at least some site dependent data elements; copying, from the interchange metadata file to an interchange resource file, site dependent data elements; identifying site dependent data values of the customer system; converting, in the interchange metadata file, the site dependent data element values to the site dependent data values of the customer system; and importing the interchange metadata file into the customer system.

The field of Anand, on the other hand, is generating reports from a computer database. The Abstract of Anand discloses, "A system and method for generating a report for a user which allows the user to make decisions, without requiring the user to understand or interpret data itself. ..." - which clearly has nothing to do with the technical field of the present application. None of the following terms from the claims of the present application occurs even once in Anand:

- deploy, deployment, deploying
- process model, data warehouse process model, predefined data warehouse process model
- development, development system, customer system
- development environment, customer environment
- exporting metadata from a predefined warehouse process model
- copying site dependent data elements from an interchange metadata file to an interchange resource file

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- identifying site dependent data values of a customer system
- converting the site dependent data element values to the site dependent data values of the customer system
- importing the interchange metadata file into the customer system.

Anand clearly is not within the field of the inventor's endeavor in this case.

Because Anand is not within the field of the inventor's endeavor in this case, there can be no basis for believing that Anand as a reference would have been considered by one skilled in the particular art working on the relevant problem to which this invention pertains. That is, there would be no reason for an inventor concerned with deploying predefined data warehouse process models to search for art regarding generating reports from a computer database. The two simply have nothing to do with one another. Anand as a reference therefore is not reasonably pertinent to the particular problem with which the inventors were involved in the present case and is not available as a reference against the present application. Applicants respectfully propose that for this reason alone the rejection of the present claims should be withdrawn, and the claims should be allowed.

Relations Among Claims

Independent claim 1 claims method aspects of deploying a predefined data warehouse process model according to embodiments of the present invention. Independent claims 7 and 12 respectively claim system and computer program product aspects of deploying a predefined data warehouse process model according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 7 and 12 are allowable because claim 1 is allowable. The rejections of claims 7 and 12 therefore should be withdrawn, and claims 7 and 12 should be allowed.

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Claims 2-5, 8-11, and 13-16 depend respectively from independent claims 1, 7, and 12. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Anand and Rosensteel does not disclose or suggest each and every element of the independent claims, so also the combination of Anand and Rosensteel cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of Claims 2-5, 8-11, and 13-16 therefore should be withdrawn, and these claims also should be allowed.

Conclusion

Claims 1-16 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Anand in view of Rosensteel. For the reasons set forth above, however, the proposed modification of Anand in view of Rosensteel fails to establish a *prima facie* case of obviousness. The rejection of claims 1-16 should therefore be withdrawn, and the claims should be allowed. Reconsideration of claims 1-16 in light of the present remarks is respectfully requested.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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By: _____


John Biggers
Reg. No. 44,537
Biggers & Ohanian, LLP
504 Lavaca Street, Suite 970
Austin, Texas 78701
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPLICANTS